



STATE OF MICHIGAN
**Department of
Human
Services**

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**MICHIGAN DOMESTIC
VIOLENCE PREVENTION
AND TREATMENT BOARD**
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March 9, 2010

Senator Wayne Kuipers
P.O. Box 30036
Lansing, MI 48909-7536

RE: HB 4222 (Personal protection order against sexual assault)

Dear Senator Kuipers:

I am writing on behalf of the Michigan Domestic Violence Prevention & Treatment Board (MDVPTB) express the Board's support for HB 4222, which would authorize courts to issue personal protection orders to protect individuals who have a reasonable apprehension of sexual assault from someone who is not a domestic partner.

HB 4222 is needed to fill a gap in Michigan's current protection order statutes. Currently, individuals who fear sexual assault at the hands of another person can only obtain a PPO in one of two ways:

- They can get a PPO to prevent stalking if they can show that the person they fear has engaged in two or more unconsented contacts that would constitute stalking under Michigan's criminal stalking statutes.
- Alternatively, they can get a domestic relationship PPO if the person they fear has a qualifying domestic relationship with them. These include: spouse/former spouse, past/present dating relationship, past/present resident of same household, or child in common.

Michigan's current PPO laws leave several categories of individuals unprotected from sexual assault:

- An individual who has been sexually assaulted on a single occasion cannot get PPO protection against a perpetrator who remains at large. A common scenario involves a college or high school student who has been assaulted by an acquaintance. In a case like this, the evidence may not support criminal charges, or the assault victim may be afraid or ashamed to report the crime to police. Nonetheless, the victim may face an ongoing threat from ongoing contact with the perpetrator of the assault.
- An individual who has been sexually assaulted on a single occasion cannot get PPO protection against a perpetrator who has been released from prison after completing the sentence imposed for the crime. The need for PPO protection is particularly acute if the perpetrator has returned to the community without being subject to parole or probation conditions that might otherwise protect the victim.
- Individuals who fear a sexual assault due to the words or



JENNIFER M. GRANHOLM, Governor